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Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425			HEIBER, SHANTELL LAKETA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed April 14, 2009 have been fully considered but they are not persuasive.
2. The applicant argues ***Sinclair has not been shown to teach receiving captured speech of another user through a radio connection and reproducing the captured speech of the other user, as set forth in independent Claims 1, 15, 29, and 44. See applicant's remarks, pages 9 and 10.*** The examiner respectfully disagrees.
3. According to the abstract of Sinclair, the virtual space may be an interactive fiction game where the user of a mobile station may interact with other players and software entities in the virtual space. According to paragraph [0030], Sinclair discloses prior art wherein a user 100 of a mobile station 102 communicates with another mobile station user 104 and a fixed terminal voice user 106. Voice communication between the initial user 100 and the other two users 104 and 106 is well served by the present mobile network and terminal infrastructure. Sinclair clearly discloses where users of mobile stations and fixed terminals, comprising adequate infrastructure, allow communication between one another in a mobile network. Therefore, Sinclair discloses "receiving captured speech of another user through a radio connection and reproducing the captured speech of the other user". Further, Sinclair discloses according to paragraphs [0031], [0034] and [0035], a "virtual space" representing the telecommunications environment within which the mobile station user can interact. The virtual space in the presently preferred embodiment is described as being an interactive

fiction game which is played across a wireless network. Interactive fiction games can enable a user 100 to interact with other users 104 and 106, with various data structures, and with intelligent software entities which can be supported on data services 108.

These additional elements provide the mobile station user 100 with an enhanced access capability to the telecommunications environment where in the prior art the mobile station user 100 is provided with only very restricted access to a rich communications environment (see paragraph, 0030). Therefore, Sinclair clearly discloses using speech capture in association with gaming. Also, according to paragraphs [0043] and [0045] of Sinclair, the interactive segment 708 takes place in a café, where the various players 100 and 104 can "meet" and interact. The interactive segment 708 is a process whereby the player 100 interacts with the various players and features in the virtual space 312. Voice commands may also be used for interaction with the game. Voice commands may be used, for example, when responding to a prompt, such as, from a character in the game. According to paragraph [0056] of Sinclair, for example, the player 100 can go, talk to, look, examine or use an object at this location. The dialogue related to the person the player 100 chooses to speak to is displayed. Again, it is clear that Sinclair discloses using speech capture in association with gaming.

4. The applicant argues ***Sinclair only makes reference to user- to-user voice communications in discussions of prior art communications systems, and not in conjunction with any type of gaming communications. See applicant's remarks, page 10.*** The examiner disagrees for the reasons as discussed above.

5. The applicant argues ***the combination of Sinclair and Heden fails to teach or suggest transfer of speech and game data in a Dual Transfer Mode DTM radio connection to and from a wireless portable game terminal through the radio connection as set forth in independent Claim 30. See applicant's remarks, pages 11 and 12.*** The examiner respectfully disagrees.

6. As described above, Sinclair discloses transferring speech and game data in a radio connection to and from a wireless portable game terminal through the radio connection.

7. As previously presented, Heden discloses a mobile station with the ability to support a Dual Transfer Mode (DTM). See paragraph **[0030]**.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, At the time of the invention, it would have been obvious to a person of ordinary skill in the art to allow for simultaneous transfer of voice and data in a wireless system (Heden) for interacting with a game service (Sinclair) yielding predictable results.

9. Therefore, the combination of Sinclair and Heden discloses transfer of speech and game data in a Dual Transfer Mode DTM radio connection to and from a wireless

portable game terminal through the radio connection as set forth in independent Claim
30.